

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF OHIO**

**JUDGMENT IN A CIVIL CASE**

**KEVIN H. MCKENNA,**

**Plaintiff,**

**v.**

**NESTLE PURINA PETCARE CO.**

**Defendant.**

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**Case No. 2:08-cv-253**

**JUDGE ALGENON L. MARBLEY**

**Magistrate Judge Kemp**

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

☒ **Decision by Court.** This action was decided by the Court without a trial or hearing.

**IT IS ORDERED AND ADJUDGED** That pursuant to the March 24, 2009 Opinion and Order, defendant's motion to Dismiss is **GRANTED**. Defendant's Motion for Attorney Fees is **DENIED**. This case is **DISMISSED**.

Date: **March 24, 2009**

**James Bonini, Clerk**

s/Betty L. Clark

Betty L. Clark/Deputy Clerk